

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-293-JRG
vs.)	
)	JURY TRIAL DEMANDED
SAMSUNG ELECTRONICS CO, LTD;)	(Lead Case)
SAMSUNG ELECTRONICS AMERICA,)	
INC.; SAMSUNG SEMICONDUCTOR)	
INC.,)	
)	
Defendants.)	

NETLIST, INC.,)	
)	
Plaintiff,)	
)	Case No. 2:22-cv-294-JRG
vs.)	
)	JURY TRIAL DEMANDED
MICRON TECHNOLOGY, INC.;)	
MICRON SEMICONDUCTOR)	
PRODUCTS, INC.; MICRON)	
TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	

Unopposed Motion to Continue Claim Construction Hearing

1. Plaintiff Netlist, Inc. (“Netlist”) respectfully requests a brief continuance of the claim construction hearing from its current setting on October 5, 2023 to October 17, 2023 or the next available date for the Court, because Netlist’s lead counsel is expected to be in trial in the Western District of Texas during the current setting. Defendants¹ do not oppose the requested relief.

2. The claim construction hearing in this Action is currently set for October 5, 2023 at 9:00 a.m. Dkt. 55 at 3.

3. Mr. Sheasby has direct trial scheduling conflicts with the currently set hearing date. Mr. Sheasby is scheduled to be in trial in another matter beginning on October 2, 2023, and expected to last until October 9, 2023.

4. The oversight in failing to detect the conflict entirely rests on Mr. Sheasby and he takes full responsibility for the delay in apprising the Court.

5. Netlist alerted Defendants about this conflict on August 15, 2023. Netlist informed counsel for Defendants via email of this scheduling conflict, and Netlist’s request to continue the hearing to October 17, 2023 or the next convenient date for the Court. Counsel for Netlist also inquired if alternative dates could work for Defendants. On August 21, 2023, Netlist followed up via email with counsel for Defendants to inquire again whether Defendants were amenable to jointly requesting that the Court continue the claim construction hearing in light of the above scheduling conflict. On August 23, 2023, counsel for Defendants responded that they would not oppose requesting that the Court move the hearing to October 17, 2023, assuming that the Court is available on that date.

6. Netlist understands that continuing the date of the claim construction hearing requires

¹ The Samsung Defendants are Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Semiconductor, Inc.; the Micron Defendants are Micron Technology, Inc.; Micron Semiconductor Products, Inc.; Micron Technology Texas LLC.

a showing of good cause. Dkt. 55 at 3-4. As noted above, Mr. Sheasby's trial commitment creates a direct conflict with the October 5, 2023 hearing date. As a result, Mr. Sheasby would be unable to argue on behalf of Netlist at the claim construction hearing. Mr. Sheasby has been involved in every step of the claim construction process in this case, including the crafting of Netlist's proposed constructions, preparation of Netlist's disclosures under the patent local rules, and the drafting of Netlist's opening brief (currently due August 24, 2023). Dkt. 55 at 3. Mr. Sheasby also took the deposition of Micron's claim construction expert, Dr. Harold Stone, on August 18, 2023. Given Mr. Sheasby's familiarity with the claim construction issues in this case, Netlist would be substantially prejudiced if the current hearing schedule is maintained. Netlist's request to move these hearing dates is not a litigation tactic. Netlist's requested relief would not affect the deadlines for expert reports or pre-trial motions.

7. For the foregoing reasons, Netlist respectfully requests that the Court continue the claim construction hearing from its current setting on October 5, 2023 to October 17, 2023 or the next convenient date for the Court.

Dated: August 23, 2023

Respectfully submitted,

/s/ Jason Sheasby

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Attorneys for Plaintiff Netlist, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on August 23, 2023, a copy of the foregoing was served to all counsel of record.

/s/ Jason Sheasby
Jason Sheasby

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that the relief requested in this motion is unopposed.

/s/ Jason Sheasby
Jason Sheasby